

**IN THE CLAIMS**

For the convenience of the Examiner, all pending claims of the Application are reproduced below.

1. **(Canceled)**

2. **(Canceled)**

3. **(Previously Presented)** The method of Claim 5, wherein bandwidth availability at the enhanced CoS is determined based on at least one of:  
available queue size in the sector,  
a number of communications sessions upgraded to the enhanced CoS, and  
an increase in performance available to the communications session in the sector at the enhanced CoS.

4. **(Canceled)**

5. **(Currently Amended)** A method for upgrading service class of connections in a wireless network, comprising:  
identifying a congested CoS in a sector of a wireless network, **wherein the congested CoS is identified based on at least one of the following:**

**dropped packets,**

**a floating average of a queue size, and**

**a current queue size for the CoS in the sector;**

determining bandwidth availability in the sector of the wireless network at an enhanced CoS in relation to the congested CoS;  
selecting a communications session in the congested CoS for upgrading; and  
upgrading the communications session to the enhanced CoS by modifying a CoS identifier of one or more packets of the communications session.

6. **(Previously Presented)** The method of Claim 5, wherein the communications session comprises a communications session from a mobile device.

7. **(Canceled)**

8. **(Previously Presented)** The system of Claim 11, the logic further operable to access a policy information base comprising service policies for communication sessions in the congested CoS, to identify an upgradable connection based on the service policy, and to select the upgradable communication session to upgrade.

9. **(Previously Presented)** The system of Claim 11, wherein bandwidth availability at the enhanced CoS is determined based on at least one of:  
available queue size in the sector,  
a number of communications sessions upgraded to the enhanced CoS, and  
an increase in performance available to the communications session in the sector at the enhanced CoS.

10. **(Canceled)**

11. **(Currently Amended)** A system for allowing service class upgradability on a wireless network, comprising:

logic encoded in media; and

the logic operable to identify a congested CoS in a sector of a wireless network, **wherein the congested CoS is identified based on at least one of the following: dropped packets, a floating average of a queue size, and a current queue size for the CoS in the sector;** to determine bandwidth availability in the sector of the wireless network at an enhanced CoS in relation to the congested ~~CoS~~, **CoS**; to select a communications session in the congested CoS for upgrading; and to upgrade the communications session to the enhanced CoS by modifying a CoS identifier of one or more packets of the communications session.

12. **(Previously Presented)** The system of Claim 11, wherein the communications session comprises a communications session from a mobile device.

13. **(Canceled)**

14. **(Previously Presented)** The system of Claim 17, further comprising:  
means for accessing a policy information base comprising service policies for communication sessions in the congested CoS;  
means for identifying an upgradable connection based on the service policy; and  
means for selecting the upgradable communication session for upgrading.

15. **(Previously Presented)** The system of Claim 17, wherein bandwidth availability at the enhanced CoS is determined based on at least one of:  
available queue size in the sector,  
a number of communications sessions upgraded to the enhanced CoS, and  
an increase in performance available to the communications session in the sector at the enhanced CoS.

16. **(Canceled)**

17. **(Currently Amended)** A system for upgrading service class of connections in a wireless network, comprising:

means for identifying a congested CoS in a sector of a wireless network, wherein the congested CoS is identified based on at least one of the following:

dropped packets,

a floating average of a queue size, and

a current queue size for the CoS in the sector;

means for determining bandwidth availability in the sector of the wireless network at an enhanced CoS in relation to the congested CoS;

means for selecting a communications session in the congested CoS for upgrading;  
and

means for upgrading the communications session to the enhanced CoS by modifying a CoS identifier of one or more packets of the communications session.

18. **(Previously Presented)** The system of Claim 17, wherein the communications session comprises a communications session from a mobile device.

19. **(Allowed)** A method for upgrading service class of connections in a wireless network, comprising:

identifying a congested CoS in a sector a wireless network, wherein the congested CoS is identified based on at least one of the following:

dropped packets,

a floating average of a queue size, and

a current queue size for the CoS in the sector;

determining bandwidth availability in the sector the wireless network at an enhanced CoS in relation to the congested CoS;

accessing a policy information base comprising service policies for communication sessions in the congested CoS;

identifying an upgradable connection based on the service policy;

selecting the upgradable communication session for upgrading; and

upgrading a selected communications session to the enhanced CoS, wherein upgrading the communications session to the enhanced CoS comprises modifying a CoS identifier of one or more packets of the communications session.

20. **(Canceled)**

21. **(Allowed)** The method of Claim 22, further comprising determining the base service class and the upgraded service class for the connection from a service policy associated with the connection.

22. **(Allowed)** A method for determining a service class for a connection to be established, comprising:

- determining a base service class for the connection;
- determining an upgraded service class for the connection;
- determining whether a performance increase is available to the connection by upgrading its service class from the base service class to the upgraded service class;
- estimating the performance increase available to the connection by upgrading its service class from the base service class to the upgraded service class; and
- upgrading the service class if the performance increase meets an upgraded criteria.

23. **(Allowed)** The method of Claim 22, further comprising determining the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on packet delay of at least one of the base service class and the upgraded service class.

24. **(Allowed)** The method of Claim 23, further comprising determining the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on packet delay at both of the base service class and the upgraded service class.

25. **(Allowed)** The method of Claim 23, further comprising determining the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on packet drop of at least one of the base service class and the upgraded service class.

26. **(Allowed)** The method of Claim 23, further comprising determining the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on packet drops at both of the base service class and the upgraded service class.

27. **(Allowed)** The method of Claim 23, further comprising determining the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on a current packet queue size of each of the base and the upgraded service classes for a sector of a wireless network in which the connection is to be established.

28. **(Allowed)** The method of Claim 23, further comprising determining the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on a floating window average of the packet queue size for a sector of a wireless network in which the connection is to be established.

29. **(Allowed)** The method of Claim 23, further comprising determining the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on both measured and forecasted criteria for both of the base service class and the upgraded service class.

30. **(Canceled)**

31. **(Allowed)** The system of Claim 32, the logic further operable to determine the base service class and the upgraded service class for the connection from a service policy associated with the connection.

32. **(Allowed)** A system for determining a service class for a connection to be established, comprising:

logic encoded in media;

the logic operable to determine a base service class for the connection, to determine an upgraded service class for the connection, to determine whether a performance increase is available to the connection by upgrading its service class from the base service class to the upgraded service class, to estimate the performance increase available to the connection by upgrading its service class from the base service class to the upgraded service class, and to upgrade the service class if the performance increase meets an upgraded criteria.

33. **(Allowed)** The system of Claim 32, the logic further operable to determine the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on packet delay of at least one of the base service class and the upgraded service class.

34. **(Allowed)** The system of Claim 33, the logic further operable to determine the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on packet delay at both of the base service class and the upgraded service class.

35. **(Allowed)** The system of Claim 33, the logic further operable to determine the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on packet drop of at least one of the base service class and the upgraded service class.

36. **(Allowed)** The system of Claim 33, the logic further operable to determine the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on packet drops at both of the base service class and the upgraded service class.

37. **(Allowed)** The system of Claim 33, the logic further operable to determine the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on a current packet queue size of each of the base and the upgraded service classes for a sector of a wireless network in which the connection is to be established.

38. **(Allowed)** The system of Claim 33, the logic further operable to determine the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on a floating window average of the packet queue size for a sector of a wireless network in which the connection is to be established.

39. **(Allowed)** The system of Claim 33, the logic further operable to determine the performance increase available to the connection by upgrading its service class from the base class to the upgraded class based on both measured and forecasted criteria for both of the base service class and the upgraded service class.